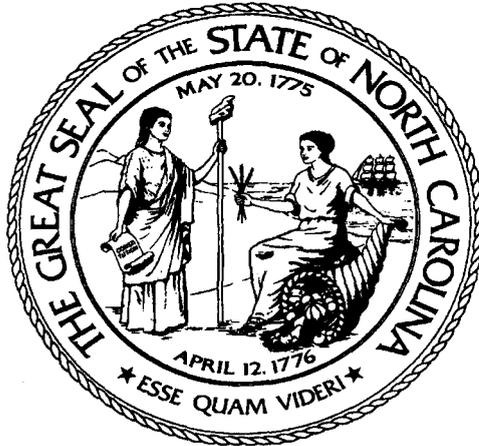


# NORTH CAROLINA GENERAL ASSEMBLY



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## JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION

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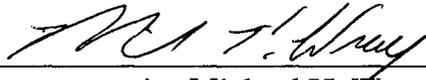
REPORT TO THE  
2009 SESSION  
of the  
GENERAL ASSEMBLY

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## TRANSMITTAL LETTER

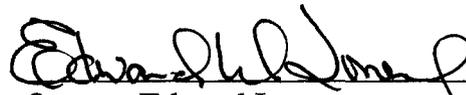
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The CoChairs of the Joint Select Committee On Mandatory Boating Safety Education, respectfully submit the following report.



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Representative Michael H. Wray  
Co-Chair



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Senator Edward Jones  
Co-Chair

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## COMMITTEE PROCEEDINGS

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The Joint Select Committee on Mandatory Boating Safety Education met three times from November 12, 2008 through January 15, 2009.

### November 12, 2008

The Committee heard information and opinions on the issue of boating safety and boating safety education. The following persons provided information to the Committee:

- Mr. William H. Gossard, the National Program Coordinator for Recreational Boating Safety at the National Transportation Safety Board
- Mr. Chris Neal, State Affairs Manager, Personal Watercraft Industry Association
- Mr. Matthew Long, Director, Government Affairs, National Association of State Boating Law Administrators (NASBLA)
- Mr. Gordon Myers, Executive Director, North Carolina Wildlife Resources Commission (NCWRC)
- Captain Chris Huebner, Boating and Hunting Safety Coordinator, NCWRC
- Mr. Pete Deschenes, Past President, Lake Gaston Association, said the North Carolina Safe Boating Alliance
- Mr. Mark Lancaster, Chairman, Lake Norman Marine Commission

### December 3, 2008

The Committee received additional information on boating safety education and discussed a draft version of a possible bill proposal. The following persons provided information to the Committee:

- Mr. Tom Kemp, Manager, Marketing and Development Services, United States Power Squadrons
- Commodore Stephen McElroy, National Chief of Staff, US Coast Guard Auxiliary
- Mr. Peter Bohler, ADSO, North Carolina State Liaison Officer, 5<sup>th</sup> District, Southern Region US Coast Guard Auxiliary
- Captain Chris Huebner, Boating and Hunting Safety Coordinator, North Carolina Wildlife Resources Commission

**January 15, 2009**

The Committee reviewed the proposed draft legislation and adopted an amended version of the draft. The following persons provided comments to the Committee:

- Ms. Robin Parker, Marketing/Dealer Support, Parker Marine (comments provided via e-mail)
- Mr. Jim Hardin, Compliance Manager, Grady-White Boats, Inc.
- Mr. Joe McClees, McClees Consulting, Inc. representing the Lake Gaston Association and the American Watercraft Association
- Mr. Phil Minos, Lake Gaston Water Safety Council

For those wishing further detail on the proceedings of the Joint Select Committee On Mandatory Boating Safety, a copy of the minutes, power point presentations, and other handouts may be found in the Legislative Library.

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## RECOMMENDATIONS

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A BILL TO BE ENTITLED AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF 10 HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

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## APPENDICES

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# APPENDIX A

**Marc Basnight  
President Pro  
Tempore,  
North Carolina Senate**



**Joe Hackney  
Speaker,  
North Carolina  
House of  
Representatives**

Raleigh, North Carolina 27601-1096

## **Joint Select Committee on Mandatory Boating Safety Education**

**Section 1.** The **Joint Select Committee on Mandatory Boating Safety Education** (hereinafter "Committee") is established by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to Rule 31 of the Rules of the Senate of the 2007 General Assembly and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly, as the combination of a Senate Select Committee and a House Select Committee that meet together and function as a joint committee. The Committee is authorized to meet during the session and, pursuant to G.S. 120-19.6, is authorized to meet between sessions and during recesses of the General Assembly.

**Section 2.** The Committee consists of the 14 members listed below, 7 of whom are appointed by the President Pro Tempore of the Senate and 7 of whom are appointed by the Speaker of the House of Representatives. A cochair or other member of the Committee continues to serve until a successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment. The Committee and the terms of the members expire when the Committee submits a final report to the General Assembly. Members serve at the pleasure of the appointing officer.

<b>President Pro Tempore Appointments</b>	<b>Speaker of the House Appointments</b>
Senator Edward Jones, Co-Chair	Representative Michael H. Wray, Co-Chair
Senator Doug Berger	Representative Mitch Gillespie
Senator Jean Preston	Representative Karen B. Ray
Pete Deschenes, Halifax County	Representative Bonner L. Stiller
Grover Edwards, Northampton County	Representative W. A. "Winkie" Wilkins
Rives Manning, Halifax County	Representative Arthur Williams

**Section 3.** The Committee may examine and review the following:

1. The feasibility of requiring all persons to satisfy boating education requirements prior to operating a motorboat or personal watercraft in the State.
2. What persons boating education requirements should cover.
3. The advisability of phasing in boating education requirements.
4. The fiscal impact of imposing new boating education requirements.
5. Reciprocity of boating education requirements among and between jurisdictions.
6. Whether appropriate exemptions should be included in any boating education requirements.
7. Whether there should be a minimum age specified for boat operators.
8. Appropriate penalties for noncompliance with boating education requirements.
9. Any other information the Committee finds helpful in its deliberations.

**Section 4.** The Committee shall meet upon the call of its House and Senate cochairs. A quorum of the Committee shall be a majority of its members.

**Section 5.** The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

**Section 6.** Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

**Section 7.** The expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a cochair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of a cochair of the Legislative Services Commission. All expenses of the Committee shall be paid from the Reserve for Studies of the Legislative Services Commission.

**Section 8.** The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives and the Director of Legislative Assistants of the Senate shall assign clerical support staff to the Committee.

**Section 9.** The Committee may meet at various locations around the State to promote greater public participation in its deliberations.

**Section 10.** The Committee shall submit a final report on the results of its study, including any proposed legislation, to the General Assembly before December 31, 2008. The Committee terminates on December 31, 2008, or upon the filing of its final report, whichever occurs first.

Effective this 15<sup>th</sup> day of October, 2008.



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Marc Basnight  
President Pro Tempore of the Senate



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Joe Hackney  
Speaker of the House of Representatives

## APPENDIX B

### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H/S

D

BILL DRAFT 2009-MEz-1\* [v.7] (12/01)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

1/15/2009 1:00:28 PM

Short Title: Require Boating Safety Education. (Public)

Sponsors: Representative Wray./Senator Jones.

Referred to:

A BILL TO BE ENTITLED  
AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY  
EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF 10  
HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT  
COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 1 of Chapter 75A of the General Statutes is amended by  
adding a new section to read:

**"§ 75A-16.2 Boating safety education required.**

(a) No person shall operate a vessel with a motor of 10 horsepower or greater on the public waters of this State unless the operator has met the requirements for boating safety education in accordance with the age provisions established in subsection (c) of this section.

(b) A person shall be considered in compliance with the requirements of boating safety education if the person does one of the following:

- (1) Completes and passes the boating safety course instituted by the Wildlife Resources Commission under G.S. 75A-16.1 or another boating safety course that is approved by the National Association of State Boating Law Administrators (NASBLA) and accepted by the Wildlife Resources Commission;
- (2) Passes a proctored equivalency examination that tests the knowledge of information included in the curriculum of an approved course;
- (3) Possesses a valid or expired license to operate a vessel issued to maritime personnel by the United States Coast Guard;
- (4) Possesses a State-approved nonrenewable temporary operator's certificate to operate a vessel for 90 days that was issued with the certificate of number for the vessel, if the boat was new or was sold with a transfer of ownership;
- (5) Possesses a rental or lease agreement from a vessel rental or leasing business that lists the person as the authorized operator of the vessel;

- (6) Properly displays Commission-issued dealer registration numbers during the demonstration of the vessel;
- (7) Operates the vessel under onboard direct supervision of a person who is at least 18 years of age and who meets the requirements of this section;
- (8) Demonstrates that he or she is not a resident, is temporarily using the waters of this State for a period not to exceed 90 days, and meets any applicable boating safety education requirements of the state or nation of residency;
- (9) Has assumed operation of the vessel due to the illness or physical impairment of the initial operator, and is returning the vessel to shore in order to provide assistance or care for the operator; or
- (10) Is registered as a commercial fisherman or a person who is under the onboard direct supervision of a commercial fisherman while operating the commercial fisherman's boat.

Any person who operates a vessel with a motor of 10 horsepower or greater on the waters of this State shall, upon the request of a law enforcement officer, present to the officer a certification card or proof that the person has complied with the provisions of this section.

(c) Enforcement of the requirement for boating safety education shall be phased in as follows:

- (1) Vessel operators 20 years of age or younger shall meet the requirements by July 11, 2011;
- (2) Vessel operators 30 years of age or younger shall meet the requirements by July 11, 2012;
- (3) Vessel operators 40 years of age or younger shall meet the requirements by July 11, 2013;
- (4) Vessel operators 45 years of age or younger shall meet the requirements by July 11, 2014;
- (5) Vessel operators 50 years of age or younger shall meet the requirements by July 11, 2015;
- (6) All vessel operators, regardless of age, shall meet the requirements by July 11, 2016.

(d) Any person who violates a provision of this section or a rule adopted pursuant to this section is guilty of an infraction, as provided in G.S. 14-3.1, and the court shall assess a penalty of one hundred dollars (\$100.00) and no court costs for each violation. A person may not be convicted of violating this section if, when tried for the offense, the person produces in court a certification card or proof that the person has completed and passed a boating safety course in compliance with subdivision (b)(1) of this section.

(e) No unit of local government shall enact any ordinance or rule relating to boating safety education, and this law preempts all existing ordinances or rules."

**SECTION 2.** G.S. 75A-13.3(b) reads as rewritten:

**"§ 75A-13.3. Personal watercraft.**

...

(b) Except as otherwise provided in this subsection, no person under 16 years of age shall operate a personal watercraft on the waters of this State, and it is unlawful for the owner of a personal watercraft or a person who has temporary or permanent responsibility for a person under the age of 16 to knowingly allow that person to operate a personal watercraft. A person of at least 14 years of age but under 16 years of age may operate a personal watercraft on the waters of this State if:

- (1) The person is accompanied by a person of at least 18 years of age who physically occupies the ~~watercraft~~; watercraft and who is in compliance with G.S. 75A-16.2; or
- (2) The person (i) possesses on his or her person while operating the watercraft, identification showing proof of age and a boating safety certification card issued by the ~~Commission~~ or Commission, proof of other satisfactory completion of a boating safety education course approved by the National Association of State Boating Law Administrators (~~NASBLA~~); (NASBLA), or proof of other boating safety education in compliance with G.S. 75A-16.2; and (ii) produces that identification and ~~certification card~~ proof upon the request of an officer of the Commission or local law enforcement agency.

..."

**SECTION 3.** This act is effective when it becomes law, and enforcement shall take effect as provided in G.S. 75A-16.2(c), as enacted in this act.

